



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: East, Inc.--Reconsideration

File: B-235687.3

Date: March 27, 1990

Robert E. Lieblich, Esq., Bowytz, Sherman & Mitchell, for the protester.
Barbara Timmerman, Esq., and John Brosnan, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Decision concluding that agency did not improperly emphasize price in solicitation which provided that technical factors were significantly more important than price and that technical factors were "of paramount importance" is affirmed on reconsideration because General Accounting Office believes that 60 percent weight given to technical factors in the actual evaluation was consistent with solicitation language.

DECISION

East, Inc., requests reconsideration of our decision East, Inc., B-235687.2, Dec. 26, 1989, 89-2 CPD ¶ 591. In that decision we denied in part and dismissed in part East's protest against the Air Force's evaluation of proposals under request for proposals (RFP) No. F08602-89-R-0021, for stocking, custodial and warehousing services for the MacDill Air Force Base Commissary. The decision is affirmed.

The solicitation provided for the award of a fixed-price contract to the responsible offeror whose offer was found "most advantageous" to the government. According to the RFP, technical factors were "significantly" more important than price. The Air Force determined that six of the nine proposals it received were in the competitive range. After discussions and evaluation of best and final offers (BAFOs), East was selected for award. In response to a protest filed by one of the unsuccessful offerors, the agency reviewed the procurement and discovered significant inconsistencies in

the evaluation factors, the proposal submission instructions and the source selection plan used by the evaluators. The Air Force issued an amendment correcting the defects and calling for the submission of revised proposals. The revised proposals were then scored and BAFOs were requested without further discussions. After evaluation of BAFOs, another offeror, Harris, was selected for award instead of East.

In its initial protest East contended that the request for revised proposals and second round of BAFOs constituted an auction. We dismissed that argument as untimely since it was not filed until after the due date for revised proposals. Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (1989). East also contended that the agency improperly evaluated the proposals. It essentially argued that the agency's selection under the second evaluation was the result of overemphasizing price when the RFP provided that technical factors were "significantly" more important than price. We found no evidence that the agency had improperly evaluated the proposals or placed undue emphasis on price and consequently denied this ground of protest.

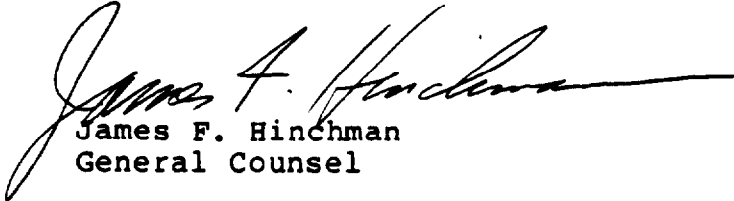
In its request for reconsideration, East complains that we did not address the issue of whether the 60 percent weight given to technical factors was sufficient in view of language in the RFP which provided that technical was "significantly" more important than price. East notes that the RFP also provided that "[a]lthough overall price to the government will be considered seriously, technical approach and capability are of paramount importance." East contends that a 60/40 ratio is not consistent with that language.

As stated in our initial decision, our review of the evaluation revealed nothing improper. We think a 60/40 ratio is consistent with the language used in the RFP that technical factors were "significantly" more important than price. Further, we do not think that the RFP's use of the phrase, "of paramount importance", to describe the weight to be accorded the technical factors changes the result. In our view, that phrase has essentially the same meaning as significantly more important and is likewise consistent with the 60/40 ratio used. Although a solicitation must advise offerors of the broad scheme of scoring to be employed and give reasonably definite information concerning the relative importance of the evaluation factors, the precise numerical weight to be used in the evaluation need not be disclosed. Technical Servs. Corp., 64 Comp. Gen. 245 (1985), 85-1 CPD ¶ 152. We consequently decline to limit the use of the terms "significantly more important" and "paramount" by

assigning them numerical percentages as the protester requests.

(We have reviewed our decision and do not find that it was based on an error of fact or law and, therefore, we have no basis on which to disturb it. 4 C.F.R. § 21.2(a).

The decision is affirmed.



James F. Hinchman
General Counsel